

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

REUBEN AVENT,

Plaintiff,

- vs -

9:07-CV-1135
(DNH)(GHL)

BRIAN FISHER; THOMAS EAGEN; GOORD; DALE
ARTUS; DEVLIN, Sgt.; D. KEMP; ANTHONY
ANNUCCI; WILSON, C.O.; IGP LINDQUIST;
COXSACKIE UNKNOWN IGP; LAREAU, Lt.; R.K.
WOODS; K. BELLAMY; JOHN DOE, Commissary
Officer; SNIDER, C.O.; JAMES DOE, Upstate C-2-11
Building Sgt.; THOMPSON, Sgt.; BRIAN O'DONNELL
BORGADES, C.O.; MAHONNEY, Supt.; KNOPP,
C.O.; HOBART, C.O.; BEAULT, C.O.; BACZKOWSKI,
Sgt.; K. GEORGROSIO, R.N.; MEIGS, Lt.; THERESA
A. KNAPP-DAVID; LAPE, Supt.; L. NORTON; ELIOT
SPITZER; C.O. LUPO; SHORR, C.O.; ANDROSKO,
R.N.; SUPERINTENDENT GRAHAM; SERGEANT
LUPO; D. SELSKY; BELLNIER, DSS; PARMITER,
IGP; R.N. SMITH, Sgt.,

Defendants.

APPEARANCES:

REUBEN AVENT
Plaintiff, *pro se*
01-A-5796
Auburn Correctional Facility
P.O. Box 618
Auburn, NY 13021

DAVID N. HURD
United States District Judge

ORDER

Plaintiff, Reuben Avent, brought this civil rights action pursuant to 42 U.S.C. § 1983. In a Report Recommendation dated September 30, 2008, the Honorable George H. Lowe, United States Magistrate Judge, recommended that plaintiff's in forma pauperis status

be revoked as having been improvidently granted; that the complaint be dismissed if within thirty (30) days of the date of the final order on the report-recommendation he has not paid the required filing fee of \$350.00. The plaintiff has filed timely objections to the Report Recommendation.

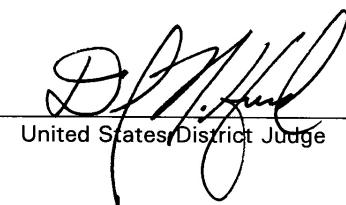
Based upon a de novo review of the portions of the Report-Recommendation to which the plaintiff has objected, the Report-Recommendation is accepted and adopted. See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that

1. Plaintiff's in forma pauperis status is REVOKED;
2. Plaintiff's complaint is DISMISSED; however if plaintiff pays the required filing fee of \$350.00 in full within thirty (30) days of the date of this order, the complaint will be reinstated and the action may move forward;
3. If plaintiff fails to pay the required filing fee within thirty days, the Clerk is instructed to file judgment accordingly and close the file.

IT IS SO ORDERED.



United States District Judge

Dated: November 20, 2008
Utica, New York.